UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

D'ANGELO MARQUEZ IENKINS]		
Plaintiff,]		
]		
V.]	No. 3 08 Judge Campbell	0073
]	Judge Campbell	
MONTGOMERY COUNTY JAIL]		
Defendant.]		

ORDER

The Court has before it a *pro se* prisoner complaint (Docket Entry No 1) under 42 U S.C § 1983 and an application to proceed in forma pauperis (Docket Entry No 2).

It appears from the application that the plaintiff lacks sufficient financial resources to pay the \$350.00 filing fee. Accordingly, pursuant to 28 U.S.C. § 1915(b)(4), the Clerk will file the complaint in forma pauperis. 28 U.S.C. § 1915(a).

The plaintiff is herewith assessed the civil filing fee of \$350 00. Pursuant to 28 U.S.C. § 1915(b)(1)(A) and (B), the custodian of the plaintiff's inmate trust account at the institution where he now resides is directed to submit to the Clerk of Court, as an initial partial payment, whichever is greater of:

- (a) twenty percent (20%) of the average monthly deposits to the plaintiff's inmate trust account; or
- (b) twenty percent (20%) of the average monthly balance in the plaintiff's inmate trust account for the prior six (6) months

Thereafter, the custodian shall submit twenty percent (20%) of the plaintiff's preceding

monthly income (or income credited to the plaintiff's trust account for the preceding month), but only when such monthly income exceeds ten dollars (\$10.00), until the full filing fee of three hundred fifty dollars (\$350.00) as authorized under 28 U.S.C. § 1914(a) has been paid to the Clerk of Court. 28 U.S.C. § 1915(b)(2).

In accordance with the Memorandum contemporaneously entered, the complaint is legally frivolous. Consequently, this action is hereby DISMISSED. 28 U.S.C. § 1915(e)(2).

An appeal of the judgment rendered herein would not be taken in good faith <u>Coppedge v. United States</u>, 369 U.S. 438, 445-446 (1962) Therefore, the plaintiff is NOT certified to pursue an appeal of this judgment in forma pauperis. 28 U.S.C. § 1915(a)(3).

Nevertheless, should the plaintiff decide to file a notice of appeal, he must either pay the Clerk of Court the full appellate filing fee of four hundred fifty five dollars (\$455.00) or submit a new application to proceed in forma pauperis along with a certified copy of his inmate trust account statement for the previous six month period. 28 U.S. C. § 1915(a)(1); McGore v. Wrigglesworth, 114 F. 3d 601 (6th Cir. 1997)

The Clerk is directed to send a copy of this order to the Sheriff of Montgomery County to ensure that the custodian of plaintiff's inmate trust account complies with that portion of the Prison Litigation Reform Act relating to the payment of the filing fee.

Entry of this order shall constitute the judgment in this action

It is so ORDERED

Todd Campbell

United States District Judge

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